

RECEIVED
3/14/08

Norman C. Kleinberg (NK 2735)
Theodore V. H. Mayer (TM 9748)
William J. Beausoleil (WB 5296)
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004-1482
(212) 837-6000

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 08-14-08
DATE FILED: 3-14-08

Attorneys for Defendant Merck & Co., Inc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE: : 1:06-md-1789 (JFK)
Fosamax Products Liability Litigation :
-----X

This Document Relates to: :
Juan Vasquez, et al. :
v. Merck & Co., Inc. :
Case No: 1:07-cv-7295-JFK :
-----X

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in the above captioned case and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

1. This case having been resolved upon the agreement of the above named Plaintiffs to voluntarily dismiss with prejudice their claims against Merck in the above-captioned case and the agreement of Merck not to seek from Plaintiffs its fees and costs, the following Plaintiffs are hereby dismissed from the above captioned case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii):

Ann Mueller
Brenda Hayward
Brenda Wilner
Carol Adams
Elena Iniguez

042/336515

Evelyn Niland
Jean Chemelli
Joan Schultz
La Priel Martin
Marjorie Christensen
Michelle Ward
Nobuko Rahe
Patricia L'Heureux
Patsy Martin
Rhita Shepherd
Ronald Carter
Sandra Schumsky

2. Each party is to bear its own costs and attorneys' fees.

Dated: February 22, 2008

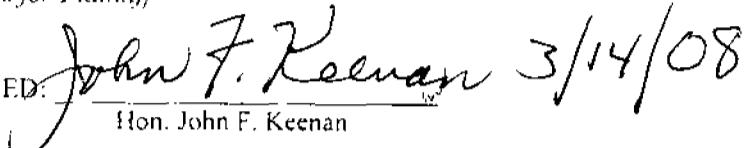
PHILLIPS & ASSOCIATES

By 

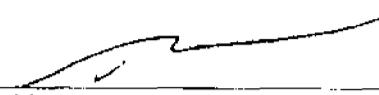
Lowell W. Finson
3030 N. Third St.
Suite 1100
Phoenix, AZ 85012-3049
(602) 258-8900 ext. 295

Attorneys for Plaintiff

SO ORDERED:

 3/14/08
Hon. John F. Keenan

HUGHES HUBBARD & REED LLP

By 

Theodore V. H. Mayer (TM 9748)
One Battery Park Plaza
New York, New York 10004
(212) 837-6888

Attorneys for Defendant Merck & Co, Inc